

Janet Napolitano
Governor

Robert J. Maynard, O.D.
President

Robert B. Pinkert, O.D.
Vice President



Arizona State Board of Optometry
1400 West Washington, Suite 230
Phoenix, AZ 85007

Jack Confer
Executive Director

Telephone (602) 542-8155 • Fax (602) 542-3093

FINAL MINUTES
MAY 21, 2004 BOARD MEETING

Board Members

Robert J. Maynard, O.D., President
Robert B. Pinkert, O.D., Vice President
Caroline Griego, O.D.
Christina M. Sorenson, O.D.
Curtis R. Winkler, M.D.
Lawrence Ponemon, PhD

Staff:

Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

Legal Counsel:

Blair Driggs, Assistant Attorney General

A. CALL TO ORDER: Dr. Maynard

Dr. Maynard called the meeting to order at 9:04 a.m.

B. ROLL CALL: Ms. Whelan

Board Members Present: Robert J. Maynard, O.D., President
Caroline Griego, O.D.
Robert B. Pinkert, O.D., Vice President
Christina M. Sorenson, O.D.

Board Members Absent: Curtis Winkler, M.D.
Lawrence Ponemon, PhD

Legal Counsel Present: Blair Driggs, Assistant Attorney General

Staff Present: Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

C. PRESIDENT'S REPORT: Dr. Maynard

None

D. FORMAL HEARING:

26. ASBOO vs. Tim Takeoka, O.D., Docket# 04-200243-OBA

Mr. Driggs requested that the case be tabled as there is no quorum to have witnesses and hear the case. Dr. Griego moved to postpone. Dr. Pinkert seconded the motion.

VOTE: Motion passes 4-0.

27. ASBOO vs. Coastal Contacts, Docket# 04-200339-OBA

Mr. Driggs asked that the board continue this matter with the status quo and conduct a settlement conference. Dr. Pinkert moved as suggested by Mr. Driggs. Dr. Sorenson seconded the motion.

VOTE: Motion passes 4-0.

E. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

28. L.C. vs. Robert H. Mulgrew, O.D., IR#200409

Dr. Maynard summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case. Dr. Pinkert seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passes 4-0

29. ASBOO vs. Contact Lens Etc. & American Lens Corporation, IR#200259

Mr. Confer summarized the case and asked the Board to issue a cease and desist order to get registration.

MOTION: Dr. Pinkert moved to issue a cease and desist order. Dr. Griego seconded motion.

VOTE: Motion passes 4-0.

30. K.D. & L.D. vs. Nimesh Patel, O.D., IR#200408

Dr. Pinkert summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case. Dr. Sorenson seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passes 4-0

31. J.P. vs. Amy R. Crump, O.D., IR#200407

Dr. Maynard summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case. Dr. Pinkert seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passes 4-0.

32. M.S. vs. Stephen D. Philips, O.D., IR#200411

Dr. Griego summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case. Dr. Pinkert seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X

NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passes 4-0.

33. ASBOO vs. Dr. Jose Salazar, IR#200318

Mr. Confer summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Pinkert moved to dismiss the case. Dr. Griego seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passes 4-0.

F. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208

Fiscal Year 2003/2004

	Continuing Education	Date	No. of hours requested
a.	Optometric Management April '04-Vistakon-Avoiding Contact Lens Dropouts	Correspondence	2 Correspondence
b.	VISX/Nationwide Vision-Wavefront Technology: Diagnosis and treatment options for refractive surgery patients	3/23/04	2 Regular
c.	Ohio Optometric Association-East West Eye Conference 2004	10/14-10/17/04	158 Regular 11 PM
d.	American Optometric Association-107th Annual AOA Congress & 34th Annual AOSA Conference	6/23-6/27/04	181 Regular 6 PM

MOTION: Dr. Sorenson moved to accept all CE as listed. Dr. Griego seconded the motion.

VOTE: The motion passed 4-0.

G. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATION:

Schell, Dale

MOTION: Dr. Pinkert moved to approve Dr. Schell for licensure. Dr. Sorenson seconded the motion.

VOTE: The motion passed 4-0.

H. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING ENDORSEMENT LICENSE APPLICATION:

Kleinman, Ronald

MOTION: Dr. Pinkert moved to table Ronald Kleinman until either a glaucoma certification or Part III of the NBEO is taken to satisfy the oral requirements of Arizona. Dr. Griego seconded the motion.

VOTE: The motion passed 4-0.

Kluka, Andrew

MOTION: Dr. Pinkert moved to approve Andrew Kluka for licensure by endorsement. Dr. Griego seconded the motion.

VOTE: The motion passed 4-0.

Simone, Carl

MOTION: Dr. Pinkert moved to approve Carl Simone for licensure by endorsement. Dr. Griego seconded the motion.

VOTE: The motion passed 4-0.

Williams, Joe

MOTION: Dr. Pinkert moved to approve Joe Williams for licensure by endorsement. Dr. Griego seconded the motion.

VOTE: The motion passed 4-0.

I. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.

- 34. April 16, 2004, Regular Meeting Minutes
- 35. April 16, 2004, Executive Session Minutes

MOTION: Dr. Pinkert moved to approve tabs 34 and 35 inclusive. Dr. Griego seconded the motion.

VOTE: The motion passed 4-0.

J. EXECUTIVE DIRECTOR'S REPORT:

36. Budget Report (Information Only)
Budget Summary Report
37. Board Statistics (Information Only)
38. Annual Summary of Board Activity for ARBO (Possible Discussion)
39. Summary of Investigative Reviews (Possible Discussion)
40. Board Correspondence (Possible Discussion)
41. Board Member Re-appointments (Possible Discussion)
42. Board Member Conflict of Interest Disclosure Statement (Possible Discussion)
43. Legislation Update

Mr. Confer reported on tabs 36-43 inclusive.

MOTION: Dr. Griego moved to suggest Dr. Maynard for reappointment to the Board. Dr. Pinkert seconded the motion.

VOTE: Motion passes 4-0.

K. CALL TO PUBLIC:

Dr. Maynard made a call to the public at 10:06 AM. Nobody was present to address the Board during the call to public.

L. NEW BUSINESS, FUTURE AGENDA ITEMS AND OR DISCUSSION ITEMS:

- Address the Continuing Education approval process and rules.
- ARBO update.

MOTION: Dr. Pinkert moved to adjourn the meeting at 10:20 AM. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

END OF MINUTES:

Jack Confer, Executive Director

Date